

Version with Markings to Show Changes Made

1. (Four Times Amended) A server adapted to provide broadcast information relevant to a locality to a plurality of localities, said server comprising:

a processor within said server;

a call related information[/] and broadcast information stream relevant to a locality lookup table within said server accessible by said processor and associating call related information entries with respective broadcast information streams relevant to a locality;

a plurality of stored broadcast information streams within said server of current news relevant to a locality;

wherein said processor is adapted to identify a specific one of said plurality of stored broadcast information streams relevant to a locality for downloading a real-time audible representation of said one of said plurality of stored broadcast information streams relevant to a locality to a caller based only on call related information received with respect to an incoming call.

REMARKS

Claim 1 is amended herein. Claims 1-9 and 19-34 remain pending in the application.

Claim 1 Objection

Claim 1 is objected to as allegedly containing an informality as claiming an “information/broadcast” that has a plural meaning.

Claim 1 is amended herein to correct the informality. The Applicants respectfully request the objection of claim 1 be withdrawn.

Claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30 over Riskin in view of Reilly

In the Office Action, claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin, U.S. Patent No. 4,757,267 (“Riskin”) in view of Reilly et al., U.S. Patent No. 5,740,549 (“Reilly”). The Applicant respectfully traverses the rejection.

Claims 1, 3-4 and 6-9 recite, *inter alia*, a call related information and broadcast information stream relevant to a locality lookup table within a server accessible by a processor and associating call related information entries with respective broadcast information streams relevant to a locality. Claims 19, 20, 22, 23, 25-28 and 30 recite, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

Riskin appears to disclose a telephone system that automatically connects a potential customer with a nearby dealer who can provide the goods or services desired by the potential customer (Abstract). A call is routed to a long distance communications carrier (LDC) database computer (Riskin, col. 7, lines 39-40). A custom call routing (CCR) function at a database computer examines a Number Plan Area (NPA), i.e., the first three digits of a ten digit telephone number, of a caller's telephone number (Riskin, col. 7, lines 46-51). The database computer routes the call to a designated one of six customer/dealer service companies (CDSC) routing centers (RC) (Riskin, col. 7, lines 52-53). The

caller's telephone number is used to obtain a coordinate, the coordinate is used to retrieve a dealer's telephone number and automatically connect the caller with the nearest or nearby dealer (Riskin, col. 8, lines 37-47).

The Office Action correctly acknowledges that Riskin fails to disclose that the information is stored within a server (Office Action, page 4). The Office Action relies on Reilly to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicant respectfully disagrees.

Reilly appears to disclose an information and advertising distribution system (Abstract). A data server stores and updates a database of information items and advertisements (Reilly, Abstract). An information server includes an Internet interface for communication with client computers via the Internet and one or more news wire interfaces for receiving news feeds from information transmission services (Reilly, col. 4, lines 23-38). A display driver for a weather category includes instructions specifically designed for efficiently displaying weather maps and other weather information (Reilly, col. 7, lines 36-39).

Reilly discloses, and is relied on to disclose, information stored within a server. The Applicant is not claiming to have invented storing information within a server, as most servers have information stored thereon. Reilly's server stores weather information for display **NOT** for relay to a calling party. Moreover, Reilly's server fails to function based on call related information. Reilly fails to disclose or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30.

At best, even if a theoretical combination of Riskin and Reilly were obvious (which it is not), the theoretical combination would result in a system and method that allows a caller to receive advertising and news information based on call related information. A server connected to the system allows a local user (**NOT** a calling party) to view weather information by displaying weather maps.

The combination of Riskin and Reilly fails to disclose or suggest a server providing weather information to a calling party based on call related information.

Accordingly, for at least all the above reasons, claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2, 21 and 31-34 over Riskin in view of Mitchell

In the Office Action, claims 2, 21, 31-34 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Reilly, and further in view of Mitchell et al., U.S. Patent No. 6,108,406 (“Mitchell”). The Applicant respectfully traverses the rejection.

Claims 2, 21 and 31-34 are dependent on claims 1, 19 and 30 respectively, and are allowable for at least the same reasons as claims 1, 19 and 30.

Claim 2 recites, *inter alia*, a call related information and broadcast information stream relevant to a locality lookup table within a server accessible by a processor and associating call related information entries with respective broadcast information streams relevant to a locality. Claims 21 and 31-34 recite, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

As discussed above, neither Riskin nor Reilly, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 2, 21 and 31-34.

The Office Action relies on Mitchell to allegedly make up for the deficiencies in Riskin and Reilly to arrive at the claimed invention. The Applicant respectfully disagrees.

Mitchell appears to disclose a system and method for downloading internet based information to an ADSI phone slot. The files at the accessed site

are downloaded to a server, merged into an ADSI download, and then downloaded to the ADSI caller's telephone by means of a telephone network (Mitchell, col. 2, lines 19-22). The caller on the ADSI telephone selects the information downloaded from the remote site by subscribing to certain types of information such as weather, stock quotes, news, etc. (Mitchell, col. 2, lines 22-25).

Mitchell discloses downloading weather information to a telephone. The weather downloaded is based on a request from a user of the telephone. Mitchell fails to disclose receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as recited by claims 2, 21 and 31-34.

Neither Risking, Reilly nor Mitchell, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 2, 21 and 31-34.

Accordingly, for at least all the above reasons, claims 2, 21 and 31-34 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 5 and 24 over Kennedy in view of Riskin

In the Office Action, claims 5 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kennedy III et al., U.S. Patent No. 6,301,480 ("Kennedy") in view of Riskin. The Applicant respectfully traverses the rejection.

Claims 5 and 24 are dependent on claims 1 and 19, and are allowable for at least the same reasons as claims 1 and 19.

Claim 5 recites, *inter alia*, a call related information and broadcast information stream relevant to a locality lookup table within a server accessible

by a processor and associating call related information entries with respective broadcast information streams relevant to a locality. Claim 24 recites, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

Kennedy appears to disclose a communication system that includes mobile units, a network switching center, and service centers to provide a variety of service to the mobile units (Abstract). A voice module 50 is comprised of a automatic call distributor, a private branch exchange, a simple call distributor and other suitable hardware and software to receive and distribute a voice component of a voice/data session to one of a number of voice instruments in a service center (Kennedy, col. 4, lines 11-14). The voice module 50 transfers and directs the call to a selected voice instrument and communicates associated caller ID to an associated workstation (Kennedy, col. 4, lines 60-67).

Kennedy fails to disclose a server that performs services for a caller based on call related information, much less a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 5 and 24.

The Office Action relies on Riskin to allegedly make up for the deficiencies in Kennedy to arrive at the claimed invention. The Applicant respectfully disagrees.

As discussed above, Riskin fails to disclose a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 5 and 24.

Neither Kennedy nor Riskin, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a

desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims, as recited by claims 5 and 24.

Accordingly, for at least all the above reasons, claims 5 and 24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 29 over Riskin in view of Reilly and Fellingham

In the Office Action, claim 29 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Reilly, and further in view of Fellingham et al., U.S. Patent No. 6,442,244 ("Fellingham"). The Applicant respectfully traverses the rejection.

Claim 29 is dependent on claim 19, and is allowable for at least the same reasons as claim 19.

Claim 29 recites, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

As discussed above, neither Riskin nor Reilly, either alone or in combination, disclose, teach or suggest a server used **in conjunction with** a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claim 29.

The Office Action relies on Fellingham to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicant respectfully disagrees.

Fellingham appears to disclose a method and apparatus for selective audio logo and/or announcements in a telecommunications network. A switch, upon receipt of a call, passes information, e.g., the calling party number, to a database (Fellingham, col. 3, lines 35-60). The calling party number is used to retrieve a particular audible logo and/or one or more announcements

(Fellingham, col. 3, line 64-col. 4, line 3). The announcement plays to the calling party while the switch simultaneously sets up the call to the called party (Fellingham, Abstract).

Fellingham discloses retrieving a particular audible logo and/or an announcement based on the calling party number prior to connecting to a called party. Fellingham fails to disclose, teach or suggest downloading current news, much less a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claim 29.

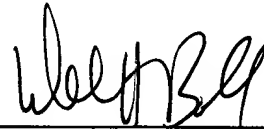
Neither Riskin nor Fellingham, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claim 29.

Accordingly, for at least all the above reasons, claim 29 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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